In the Supreme Court of the United States

OCTOBER TERM, 1975

JAMES H. CAMP, ET AL., PETITIONERS

v.

DONALD H. RUMSFELD, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE RESPONDENTS IN OPPOSITION

The petition for a writ of certiorari was filed out of time. The judgment of the court of appeals (Pet. App. D-1) in this civil action was entered on September 17, 1975. The time for filing a petition for a writ of certiorari was not extended and therefore expired on December 16, 1975. 28 U.S.C. 2101 (C). The petition was untimely filed on December 18, 1975. Accordingly, this Court lacks jurisdiction over this case. See *Toledo Scale Co.* v. *Computing Scale Co.*, 261 U.S. 399, 417-418.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

JANUARY 1976.

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